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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,391	07/31/2001	Gregory P. Fitzpatrick	BOC9-2000-0084(219)	3428

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EXAMINER

DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 02/23/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,391

Applicant(s)

FITZPATRICK ET AL.

Examiner

Willie J. Daniel, Jr.

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. **Claim 1** recites the limitation "identification" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by **Rignell et al. (US 5,818,920)**, hereinafter **Rignell**.

Regarding **Claim 1**, Rignell discloses a method for providing call recipient local information (see abstract; col. 3, lines 28-50; Figs. 1-3) comprising the steps of:

identifying an attempt to establish a telephone call between an originating call terminal (A) which reads on the claimed “source” and a receiving handheld terminal (C) which reads on the claimed “device” (see col. 5, lines 5-21);

responsive to said identification, determining information local to said receiving handheld device (C) (see col. 5, lines 15-19; Fig. 3), where the local information is the time and time zone of the receiving handheld device; and,

providing said determined local information to said originating call source (A), said originating call source (A) deciding whether to complete said telephone call or terminate said telephone call based upon said determined local information (see col. 5, lines 15-19; Figs. 1-4), where the calling subscriber can confirm or decide whether to complete the connection or discontinue.

Regarding **Claim 2**, Rignell discloses the method according to claim 1, wherein said local information comprises information selected from the group consisting of a time, date, day and location where said receiving handheld device (C) is located (see col. 5, lines 15-19), where the local information is the local time of the time zone that the receiving handheld device is located.

Regarding **Claim 3**, Rignell discloses the method according to claim 2, wherein said local information is determined by acquiring said information from a time source (see col. 5, lines 7-19), where the base station or the base station controller is the time source that provides the time.

Regarding **Claim 4**, Rignell discloses a method for providing call recipient local information (see abstract; col. 7, lines 6-25; Figs. 2-3) comprising the steps of:

initiating a call between an originating call source (A) and a receiving handheld device (B) (see col. 7, line 6-25; Fig. 3);

receiving local information from a service provider which services said receiving handheld device (B) (see col. 7, lines 15-18), where the local information is provided in which the service provider would be inherent; and

processing said call based on said received local information (see col. 7, lines 15-25), where the call would be processed by the calling subscriber according to the local information of the called subscriber.

Regarding **Claim 5**, Rignell discloses the method according to claim 4, wherein said local information comprises information selected from the group consisting of a time, date, day and location where said receiving handheld device (B) is located (see col. 7, lines 15-18),

Art Unit: 2686

where the local information is the local time of the time zone that the receiving handheld device is located.

Regarding **Claim 6**, Rignell discloses the method according to claim 4, wherein said local information is determined by acquiring said information from a time source (see col. 6, line 60 - col. 7, line 5; col. 7, lines 11-15; col. 8, lines 45-47), where the base station, the base station controller, real-time clock, or PSTN/PLMN is the time source that provides the time.

Regarding **Claim 7**, Rignell discloses the method according to 4, wherein said processing step comprises, selecting an action from the group of actions consisting of connecting said call to said receiving handheld device (B), connecting said call to a voice mail box, and disconnecting said call (see col. 7, line 18-25; col. 8, lines 23-25; Fig. 3), where the calling subscriber can confirm the call by deciding to connect or terminate or be connected to an answering machine.

Regarding **Claim 8**, Rignell discloses a system for providing location-based call recipient information (see abstract; col. 3, lines 28-50; col. 5, lines 5-21; col. 6, line 60 - col. 7, line 25; Figs. 1-4) comprising:

a wireless service provider for providing wireless telephony services to a network of handheld devices (see col. 6, line 60 - col. 7, line 25; Fig. 3);

a time source for electronically reporting information local to each of said handheld devices (A or B) (see col. 6, line 60 - col. 7, line 5; col. 7, lines 11-15; col. 8, lines 45-47), where the base station, the base station controller, real-time clock, or PSTN is the time source that provides the time; and,

a notification system configured to provide local information acquired from said time source in response to an attempt to establish a connection between an originating call source and a handheld device in said network, said notification system being further configured to provide said local information prior to establishing said connection, said notification being yet further configured to delay establishing said connection until a decision to affirmatively establish said connection is made at said originating call source (A) based on said provided local information (see col. 7, lines 6-25; Fig. 3), where the local information is provided prior to connecting the call in which the system waits until the subscriber confirms to connection.

Regarding **Claim 9**, Rignell discloses a machine readable storage having stored thereon, a computer program having a plurality of code sections, said code sections executable by a machine for causing the machine to perform (see abstract; col. 3, lines 28-50; col. 5, lines 5-21; col. 7, line 6-25; Figs. 1-3) the steps of:

identifying an attempt to establish a telephone call between an originating call source (A) and a receiving handheld device (C) (see col. 5, lines 5-21);

responsive to said identification, determining information local to said receiving handheld device (C) (see col. 5, lines 15-19; Fig. 3), where the local information is the time and time zone of the receiving handheld device; and,

providing said determined local information to said originating call source (A), said originating call source (A) deciding whether to complete said telephone call or terminate said telephone call based upon said determined local information (see col. 5, lines 15-19; Figs. 1-4), where the calling subscriber can confirm or decide whether to complete the connection or discontinue.

Regarding **Claim 10**, Rignell discloses the machine readable storage according to claim 9, wherein said local information comprises information selected from the group consisting of a time, date, day and location where said receiving handheld device (C) is located (see col. 5, lines 15-19), where the local information is the local time of the time zone that the receiving handheld device is located..

Regarding **Claim 11**, Rignell discloses the machine readable storage according to claim 10, wherein said local information is determined by acquiring said information from a time source (see col. 5, lines 7-19), where the base station or the base station controller is the time source that provides the time.

Regarding **Claim 12**, Rignell discloses a machine readable storage having stored thereon, a computer program having a plurality of code sections, said code sections executable by a machine for causing the machine to perform (see abstract; col. 3, lines 28-50; col. 5, lines 5-21; col. 7, line 6-25; Figs. 1-3) the steps of:

initiating a call between an originating call source (A) and a receiving handheld device (B) (see col. 7, line 6-25; Fig. 3);

receiving local information from a service provider which services said receiving handheld device (B) (see col. 7, lines 15-18), where the local information is provided in which the service provider would be inherent; and

processing said call based on said received local information (see col. 7, lines 15-25), where the call would be processed by the calling subscriber according to the local information of the called subscriber.

Regarding **Claim 13**, Rignell discloses the machine readable storage according to claim 12, wherein said local information comprises information selected from the group consisting of a time, date, day and location where said receiving handheld device (B) is located (see col. 7, lines 15-18), where the local information is the local time of the time zone that the receiving handheld device is located.

Regarding **Claim 14**, Rignell discloses the machine readable storage according to claim 12, wherein said local information is determined by acquiring said information from a time source (see col. 6, line 60 - col. 7, line 5; col. 7, lines 11-15; col. 8, lines 45-47), where the base station, the base station controller, real-time clock, or PSTN/PLMN is the time source that provides the time.

Regarding **Claim 15**, Rignell discloses the machine readable storage according to 12, wherein said processing step comprises, selecting an action from the group of actions consisting of connecting said call to said receiving handheld device (B), connecting said call to a voice mail box, and disconnecting said call (see col. 7, line 18-25; col. 8, lines 23-25), where the calling subscriber can confirm the call by deciding to connect or terminate or be connected to an answering machine.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. **Owensby (US 6,647,257)** discloses a *System and Method for Providing Targeted Messages Based on Wireless Mobile Location*.
 - b. **Dunn et al. (US 6,138,008)** discloses a *Wireless Telephone Menu System*.
 - c. **Seppo (UK 2,284,965)** discloses *Automatic Time of Day Calculation for a Radio Telephone, Fax Machine, or Computer*.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (703) 305-8636. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2686

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR/wjd,jr
18 February 2004

Marsha D Banks-Harold
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